

GEN. NO. 5-02-0065
IN THE APPELLATE COURT OF ILLINOIS
FIFTH DISTRICT

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CHIEF CLERK'S OFFICE

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| ILLINOIS POWER COMPANY, |) | |
| |) | |
| Petitioner, |) | |
| |) | Petition for Review of |
| v. |) | Order of the Illinois |
| |) | Commerce Commission in |
| ILLINOIS COMMERCE COMMISSION |) | ICC Docket No. 00-0714 |
| And THE PEOPLE OF THE STATE |) | |
| OF ILLINOIS, |) | |
| |) | |
| Respondents. |) | |

STIPULATION CONCERNING THE RECORD ON APPEAL

Illinois Power Company ("Illinois Power"), Petitioner, and the Illinois Commerce Commission ("Commission"), Respondent, by their respective undersigned counsel, pursuant to 220 ILCS 5/10-201(b) and Supreme Court Rule 335(d), hereby enter into the following stipulation:

1. The only finding and conclusion from the Commission's order in Docket 00-0714 at issue in this appeal is the Commission's finding and conclusion that Illinois Power's decision to retire its Freeburg propane plant was imprudent and that as a result \$955,000 of gas costs incurred by Illinois Power during 2000 should be disallowed for recovery from customers.

2. Based on paragraph 1, the only transcripts and exhibits that need to be certified by the Chief Clerk of the Commission and included in the record on appeal are those listed below:

Transcripts

1. April 26, 2001: pages 1-8
2. August 3, 2001: pages 9-136
3. August 7, 2001: pages 137-186

Exhibits

1. Staff Exhibit 1.0, including Schedules 1.0 and 2.0 – Direct Testimony of Burma C. Jones
2. Staff Exhibit 2.0 Revised, **including** Schedule 1.0 but **excluding** Schedules 2.0 (**Proprietary**), 3.0 (**Proprietary**) and 4.0 (**Proprietary**) – Direct Testimony of Eric Lounsberry
3. Staff Exhibit 3.0, including Schedules 1.0 and 2.0 – Rebuttal Testimony of Burma C. Jones
4. Staff Exhibit 4.0 Revised, **including** Schedules 1.0, 2.0, 3.0, 4.0, 5.0, and 6.0, but **excluding** Schedules 7.0, 8.0, 9.0, 10.0, 11.0 and 12.0 (**Proprietary**) – Rebuttal Testimony of Eric Lounsberry
5. IP Exhibit 2.1 – Direct Testimony of Michelle R. Grohne
6. IP Exhibit 2.2 – PGA Reconciliation for the Year Ended December 31, 2000
7. IP Exhibit 2.3 – Basis of Presentation
8. IP Exhibit 2.4 – Schedule of Reconciliation Balance for the Adjustment for Pipeline Transition Surcharge as of and for the Year Ended December 31, 2000
9. IP Exhibit 2.5 – Report of Independent Accountants, Pipeline Transition Surcharge
10. IP Exhibit 2.6 – Report of Independent Accountants, Purchase Gas Adjustment Reconciliation
11. IP Exhibit 2.7 – Affidavit of Michelle R. Shipp
12. IP Exhibit 3.1 -- Prepared Testimony of Frank A. Starbody
13. IP Exhibit 3.2 Revised – Prepared Rebuttal Testimony of Frank A. Starbody
14. IP Exhibit 3.3 – Estimated Cost of Capital Improvements to Freeburg Propane Plant
15. IP Exhibit 3.6 – Prepared Surrebuttal testimony of Frank A. Starbody
16. IP Exhibit 3.7 – Freeburg 30-Year PVRR Analysis
17. IP Exhibit 3.8 – Freeburg 30-Year Gas Supply Cost PVRR
18. IP Exhibit 3.9 – Freeburg 15-Year PVRR Analysis
19. IP Exhibit 3.10 – Freeburg 15-Year Gas Supply Cost PVRR

20. IP Exhibit 3.11 – Freeburg 30-Year PVRR Analysis
21. IP Exhibit 3.12 – Freeburg 15-Year PVRR Analysis
22. IP Exhibit 4.1 – Prepared Surrebuttal Testimony of Russell A. Ogle
23. IP Exhibit 4.2 – Resume of Russell A. Ogle
24. Revised IP Exhibit 4.3 – Safety Analysis of the Freeburg Propane Plant
25. ICC Staff Cross Exhibit 1 – IP Response to Staff Data Request ENG 2.197 (includes aerial photographs – not on e-docket)
26. ICC Staff Cross Exhibit 7 – IP Response to Staff Data Request ENG 2.186
27. ICC Staff Cross Exhibit 8 – IP Response to Staff Data Request ENG 2.8
28. ICC Staff Cross Exhibit 9 – IP Response to Staff Data Request ENG 2.100
29. ICC Staff Cross Exhibit 10 – IP Response to Staff Data Request ENG 2.183

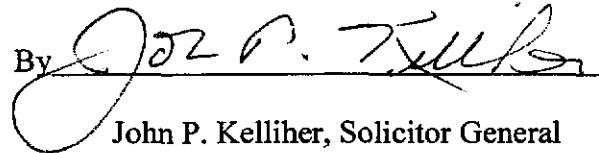
Dated: February 11, 2002

ILLINOIS POWER COMPANY

ILLINOIS COMMERCE COMMISSION

By 

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By 

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NOTICE OF FILING

TO: See attached service list.

PLEASE TAKE NOTICE that on February 12, 2002, Illinois Power Company transmitted for filing with the Illinois Appellate Court, Fifth District, the (1) Stipulation Concerning the Record on Appeal and (2) letter to Chief Clerk of the Illinois Commerce Commission concerning record on appeal, copies of which are hereby served upon you.

Dated: February 12, 2002

Respectfully submitted.

ILLINOIS POWER COMPANY

By 

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Its Attorneys

CERTIFICATE OF MAILING

I, Owen E. MacBride, one of the attorneys for Illinois Power Company, hereby certify that I deposited the foregoing Notice of Filing, Stipulation Concerning the Record on Appeal and letter to the Chief Clerk of the Illinois Commerce Commission concerning the record on appeal in the United States Mail at 233 South Wacker Drive, Chicago, IL, on February 12, 2002, before 5 P.M., with proper postage prepaid, addressed to:

Louis E. Costa
Clerk of the Court
Illinois Appellate Court, Fifth District
14th & Main Streets
Mount Vernon, Illinois 62864

Donna M. Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

I also certify that I deposited copies of the foregoing Notice of Filing and Civil Docketing Statement in the United States Mail at 233 South Wacker Drive, Chicago, IL on February 12, 2002, before 5 P.M., with proper postage prepaid, addressed to each person listed below:

William J. Showtis
Administrative Law Judge
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

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Owen E. MacBride